

Serial No.: 09/586,510
Docket No.:503775.0008

REMARKS/ARGUMENTS

Claims 1, 3-15 remain pending in this application. Claims 1, 13 and 14 have been amended. Applicant has filed a Notice of Appeal in this case. The amendments previously filed on January 14, 2004 were not entered.

The amendments are made in response to the Advisory Actions dated December 19, 2003 and February 16, 2004 to put the claims in condition for allowance or in better form for appeal. The amendment submitted herewith corrects the typographical errors in the amendment submitted January 14, 2004. Furthermore, the amendments are being filed within the period allowed for filing the appeal brief. As such, the amendments comply with 37 C.F.R. § 1.116 and entry is appropriate under MPEP § 1206. Entry of the amendments is requested. The amendments are made without prejudice, and Applicant reserves the right to pursue the deleted subject matter in a continuation or divisional application.

The Claims Are Enabled by the Specification

The Examiner rejected claim 1 under 35 U.S.C. § 112, first paragraph, arguing the specification is not enabling for the claimed method of treating exercise induced pulmonary hemorrhage (EIPH). Specifically, the Examiner argued that there is no evidence that the invention could be successfully used to prevent EIPH or that immunoglobulins other than equine IgG could be used to treat EIPH. Although Applicant does not agree with the Examiner's position, in the interest of expediting prosecution, Applicant has amended its application. Applicant reserves the right to pursue claims directed to the full scope of the prior version of the claims in a continuation or divisional application.

In view of the foregoing amendments and remarks, it is respectfully submitted that Claims 1 and 3 - 15 are now in condition for allowance and eventual issuance. Such action is

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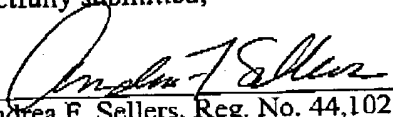
respectfully requested.

Should the Examiner have any further questions or comments which need be addressed in order to obtain allowance, he is invited to contact the undersigned attorney at the number listed below.

Acknowledgement of receipt is respectfully requested.

Respectfully submitted,

By:


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